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August 11, 2020

Magistrate Judge Stephen L. Crocker  
United States District Court  
120 N. Henry Street, Room 320  
Madison, WI 53703

RE: *Dasia Banks v. Baraboo School District*  
Western District Case No. 20-CV-36  
Our File: 759.83962

Dear Judge Crocker:

On April 2, 2020, the parties signed a stipulated petition regarding the release of pupil records related to allegations in Plaintiff's Complaint. [Dkt. 10.] Agreeing that Wis. Stat. § 118.125 applied to pupil records of minor students in this case, the parties stipulated that the Defendant should file pupil records identified in the petition with the Court, under seal and *ex parte*, for the Court to review the records *in camera* and determine whether the records could be released to Plaintiff pursuant to Wis. Stat. § 118.25(2)(f).<sup>1</sup>

The Court approved the stipulated petition and entered an order that same day. [Dkt. 14.] Consistent with the order, the Defendant filed all responsive records with the Court, under seal and *ex parte*, for the Court's *in camera* inspection on April 15, 2020. [Dkt. 16.]

A disagreement regarding the pupil records has arisen and, to resolve the issue, the Defendant respectfully requests that the Court review the records filed on April 15, 2020, and, pursuant to the stipulation, determine whether Wis. Stat. § 118.125(2)(f) permits disclosure to Plaintiff.

Sincerely,

AXLEY BRYNELSON, LLP  
*Electronically signed by Danielle Baudhuin Tierney*  
Danielle Baudhuin Tierney

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<sup>1</sup> Wis. Stat. § 118.125(2): CONFIDENTIALITY AND DISCLOSURE OF PUPIL RECORDS. All pupil records maintained by a public school shall be confidential, except as provided in pars. (a) to (q) and sub. (2m). ...

Wis. Stat. § 118.125(2)(f): Pupil records shall be provided to a court in response to subpoena by parties to an action for in camera inspection, *to be used only for purposes of impeachment of any witness who has testified in the action*. The court may turn said records or parts thereof over to parties in the action or their attorneys *if said records would be relevant and material to a witness's credibility or competency*. (emphasis added).